

REMARKS

An Office Action was mailed on June 5, 2003. Claims 1-5 are pending in the present application.

In response to the Notice of Draftsperson's Patent Drawing Review, please find enclosed a replacement set of formal drawings for the review and approval of the Examiner.

The specification is objected to because the Abstract exceeds 150 words. Responsive thereto, Applicant is submitting herewith a new Abstract for the review and approval of the Examiner.

Claim 1 is objected to because of the informality that, as drafted, it does not adhere to standard US claim practice as described in 37 CFR §1.75. Claim 1 has been corrected by appropriate amendment and it is submitted that this objection has been overcome.

The Examiner has rejected claims 1-5 under §35 USC 102(e) as being anticipated by US Patent No. 6,358,147 to Jaffe et. al. (referred to below as "Jaffe").

The rejection indicates that Jaffe discloses a gaming machine with multiple payoff modes, the second payoff mode defining a "Super Scatter" feature. The rejection contends that in the "Super Scatter" mode, winning outcomes are identified by the predetermined winning symbol combinations appearing in the symbol group in scatter-pay format. In scatter-pay format, winning combinations occur when predefined winning symbol combinations are displayed in any position on any of the reels. Thus, symbols making up winning combinations in the super-scatter mode do not need to be aligned with an active payline or displayed on particular reels.

The Office Action indicates that Jaffe discloses that one of the symbols of the set of symbols on the reels of the gaming machine is a scatter symbol but that all symbols are scatter symbols in "Super Scatter" mode. The Office Action further indicates that, in respect of at least one the reels, the set comprises more than one occurrence of the scatter symbol and that all symbols are scatter symbols in the "Super Scatter" mode. Further, the rejection indicates that, when more than a minimum number of scatter symbols are displayed at any one time, all the displayed scatter symbols contribute to a single paying combination of the scatter symbols.

As described in Jaffe, column 6, lines 40-53, in referring to the "Super Scatter" mode, "winning combinations occur when predefined winning symbol combinations are displayed, in any position, on any of the reels. Thus symbols making up winning combinations in the SUPER SCATTER mode do not need to be aligned with an active payline or displayed on particular reels".

Jaffe goes on to describe, at column 6, lines 54-58, with reference to the "Super Scatter" mode, that "the symbol groups defining the game outcomes are evaluated for the same predefined winning symbol combinations in both the first and second payoff modes". It is to be noted that the second payoff mode is the "Super Scatter" mode. It is therefore important to recognize that, in Jaffe, the symbol groups are still evaluated for the same predefined winning symbol combinations in the "Super Scatter" mode. In other words, whatever combination of symbols constituted winning combinations in the first, standard payoff mode still constitute winning combinations in the "Super Scatter" mode. The only difference between the two modes is that, in the second payoff, "Super Scatter" mode, the symbols need not occur on active or bought pay lines.

It is respectfully submitted that the rejection selectively quotes from claim 1 of the present invention as claimed. The claim must be read in its entirety. Claim 1 of the present invention reads that "*at least certain of the scatter symbols on said at least one reel being separated from each other on the reel by at most one other symbol so that, when more than a minimum number of scatter symbols are displayed simultaneously at any one time when the reels are in a rest condition, all the displayed scatter symbols contribute to a single paying combination of the scatter symbols.*". Further, claim 1 explicitly claims that each reel carries symbols from a set of symbols and that "*one of the symbols of the set being a scatter symbol*".

Thus, unlike the teachings of Jaffe in the "Super Scatter" mode, the set of symbols of the present invention has only one symbol which is a designated scatter symbol. The difference between the present invention and Jaffe is that, in the case of the present invention, in respect of each of those reels which has a scatter symbol on it the scatter symbols are arranged on the reel so that, when the reel is in a rest condition it is possible that more than one scatter symbol is

displayed on that reel. All that a "scatter" symbol means is that the symbol need not be on an active payline in order for it to contribute to a winning combination.

There appears to be an error in Table 1 of Jaffe in that no "Super Scatter" or "Super" symbol is shown in the first column of Table 1 being the reel strip of reel 30 but is displayed on the reel 30 in Figure 4 of the drawings. However, if one has reference, for example, to reel 34, 35 and 38 (one assumes that reel 35 should read reel 36), it is to be noted that in the reel strips for reels 34, 36 and 38, a "Super" symbol appears at reel stop position 5 and, again, at reel stop position 8. As there is more than one reel stop position between the occurrences of the "Super" symbols on reels 34, 36 and 38 it is impossible for there to be more than one "Super" symbol displayed on the display 12 of Jaffe in respect of any one of the reels at any one time. Jaffe is therefore entirely different from what is claimed in the present invention.

Jaffe explicitly teaches that, even in the "Super Scatter" mode, the symbol combinations which provide winning combinations are the same symbol combinations as in the first payoff mode apart from the fact that the symbols need not occur on active paylines. Thus, only one symbol from each reel is taken into consideration, in respect of any combination, in assessing whether or not it is a winning combination. Due to the reel strip configurations of Jaffe, it is impossible for the same symbol, not only the "Super Scatter" symbol, to appear more than once on any one of the reels as taught by the present invention as claimed. Thus, in the case of Jaffe it is not possible that all the displayed scatter symbols on one of the reels contribute to a single paying combination of the scatter symbol as presently claimed.

Moreover, in the case of Jaffe, in the second payoff mode, i.e., the "Super Scatter" mode, the occurrence of scatter symbols on reels 30, 34 and 38 does not result in a winning combination. This is shown as the last entry in table 3 on column 13.

What is claimed in the present invention is, in fact, a new style of scatter pay. In the past, for example, in the case of a five reel game a scatter pay combination may pay for, say, two, three, four or five scatter symbols appearing anywhere on the reels. It is not possible to get more than one scatter symbol on the same reel due to the layout of the reel strips. As a result, the maximum prize which can be awarded is for five scatter symbols in a winning combination. In the case of the present invention, on each reel scatter symbols are arranged next to each other on

the reels or spaced from each other by a maximum of one reel stop position. With scatter symbols arranged next to each other it is therefore possible that, for a five reel machine with three display position for each reel, prizes could be paid for combinations of up to fifteen scatter symbols. This is totally different from standard scatter concepts as taught, for example, by Jaffe.

It is extremely well established that "a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference" - *Verdegaal Bros. v Union Oil Co. of California*, 814 F.2d 628, 631, 2USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the claim" - *Richardson v Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9USPQ2d 1913, 1920 (Fed. Cir. 1989).

In the circumstances, because Jaffe does not teach that one of the symbols of the set is a scatter symbol and that, in respect of at least one of the reels the set comprises a plurality of the scatter symbols and that at least certain of the scatter symbols on the said at least one reel are separated from each other on the reel by at most one other symbol, Jaffe does not constitute anticipatory prior art.

It is respectfully submitted that there is basis for the amendment in Figures 3-5 of the present invention as claimed.

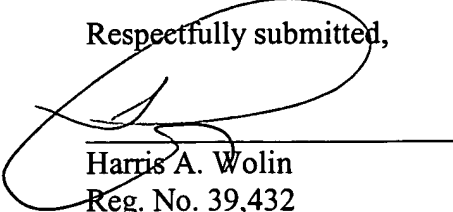
In the circumstances, it is submitted that the invention as presently claimed is both novel and inventive over the teachings of Jaffe. As claims 2-5 depend directly or indirectly from claim 1, it is respectfully submitted that these claims are also in condition for allowance.

Reconsideration and retraction of the 35 USC §102(e) rejection is respectfully requested.

Passage of this case to allowance is earnestly solicited. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged on Deposit Account 50-1290.

Respectfully submitted,



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